

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

FILED

OCT 29 2007

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

George Cabell

04218-087

*(Enter above the full name of the plaintiff
or plaintiffs in this action).*

(Inmate Reg. # of each Plaintiff)

VERSUS

CIVIL ACTION NO. 5:07-0681

(Number to be assigned by Court)

Warden T.R. CRAIG

Correctional Officer LUGOWSKI

Correctional Officer J. McAllister (In charge of property)
in 5th fl

*(Enter above the full name of the defendant
or defendants in this action)*

COMPLAINT

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes _____

No ✓

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs:

N/A

Defendants:

N/A

2. Court (if federal court, name the district; if state court, name the county);

N/A

3. Docket Number:

N/A

4. Name of judge to whom case was assigned:

N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

6. Approximate date of filing lawsuit:

N/A

7. Approximate date of disposition:

N/A

N/A - not Applicable

II. Place of Present Confinement: Federal Correctional Institution @ Beckley

A. Is there a prisoner grievance procedure in this institution?

Yes ✓ No

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes ✓ No

C. If you answer is YES:

1. What steps did you take? Filed B-9-9 as well as spoke directly to Captain Hutchins & MS, Smalls
2. What was the result? I was told to file a Tort Claim (which I did) # TRT-MXR-2007-06283

D. If your answer is NO, explain why not: _____

III. Parties

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: George Cabell 04218-087

Address: Federal Correctional Institution P.O. BOX 350 Beaver Run, Va. 25813

B. Additional Plaintiff(s) and Address(es): _____

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant: Warden T. R. CRAIG
 is employed as: Warden @ F.C.I - Beckley
 at _____

D. Additional defendants: _____

Correctional Officer LUGOWSKI
Correctional Officer J. McAllister - property officer
SHU.

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

ON 8-4-07 at approximately 10:15 AM, I was Removed
from my Cell During "Count time", When Ordered out
of the Cell I was Not given opportunity to Secure
my locker, however, as it was "count time" the Cell
was Secure. Once taken from the Cell, the Cell
was again Secured (by Officer) realizing I was going
to Special Housing unit I directly asked Officer
Lugowski, to "please make sure My Radio, Head phones,

IV. Statement of Claim (continued):

- 8 personal Novels and Commissary all made it into my property box" (Box items are supposed to be placed in when sent to Shu-By Officer) Officer Lagowski told me that "he would make sure all of my belongings were packed and sent to SHU." Upon being in the SHU for 7 days I was taken to check and retrieve some items from within my property Box. (Continued on P. 2 of 3)
attached.

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I would like the Court to order all assets of all involved as defendants in this action as concerning their personal properties as well as finances, frozen pending the resolution of this Action. as well as Compensation for total loss of all Items Claimed in Tort Claim, as well as \$50,000.00 fifty Thousand United States dollars punitive damages to convince the people employed

IV. Statement of Claim

P.2 of 3

Officer M^cAllister - (Property officer in SHU)

directed me to sign the inventory sheet, Officer M^cAllister told me that in signing the inventory sheet I would be acknowledging the contents of the Box And not what I should have in my property.

I informed officer M^cAllister that my Radio, Headphones, personal Books, and other items were missing. Officer M^cAllister at that time stated to me that I could file a tort Claim in reference to the missing items.

I also Asked MR. M^cAllister to Call the unit and ask where my belongings were he told me that he would be busy.

I then asked the Counselor MS Everage if She Could find out what happened to my property. I also asked MR Snow (Pine Unit Manager) to see if he Could find out the whereabouts of my property. When I got no results I spoke to Captain Hutchins, and Asked him to Check into the missing property.

Captain Hutchins told Me to file a tort Claim and that the institution would probably pay me for my missing property. I Also Asked Assistant Warden Smalls for her help and She also told me to file a tort Claim (Cont. on P.3)

Cont. from attached
IV Statement of Claim

P. 3 of 3

I filed a B-P-9 in reference to the issue of my missing property and that B-P-9 has gone unanswered.

In filing the Tort Claim, that Claim was denied with reasoning being that I signed the inventory sheet as directed by Officer McAllister.

In as much as Inmates here are not given the opportunity to go thru their own property - (the property officer gives you what you are allowed to have while in shu) and you are not given the chance to document what is and isn't in the Property Box.

The Warden, being made aware of actions taken by officers who misplace or give away or throw away personal items with deliberate indifference to the fact that these items were purchased by inmates and officers routinely "make items disappear" causing inmates to lose out on any level of comfort for revengeful reasons.

V. Relief (continued)):

by this institution that, Actions taken against inmate population is not without consequences when those Actions show deliberate indifference to the fact that Inmate also deserve Respect.

VII. Counsel

- A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

NONE

- B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes _____

No ☒

If so, state the name(s) and address(es) of each lawyer contacted:

If not, state your reasons: I Can't Afford to Hire an Attorney nor do I have access to person who could assist.

- C. Have you previously had a lawyer representing you in a civil action in this court?

Yes _____

No ☒

If so, state the lawyer's name and address:

N/A

Signed this _____ day of _____, 20____.

George Cabell 04218-087
Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____
(Date)

04218-087 George Cabell
Signature of Movant/Plaintiff

Signature of Attorney
(if any)